

## REGULAR COUNCIL MEETING

April 14, 2021

### MINUTES

The Regular Council Meeting of the Village of Moreland Hills was called to order by Mayor Fritz at 7:03pm, via Zoom.

PRESENT AT ROLL CALL: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

Also Present: William Hanna, Law Director; Chief Kevin Wyant; Prashant Shah, Treasurer; Jeff Filarski, Village Engineer; Ted DeWater, Service Director; Paul Kowalczyk, Building Official; Lt. Todd Dietzel; Sherri Arrietta, Clerk of Council

Mr. Stanard made a motion seconded by Mr. Richman to approve the minutes of the Regular Council Meeting of March 10, 2021.

#### ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

#### **Resident Comments**

There were no residents present wishing to speak.

#### **Reports from the Mayor and Other Municipal Officials**

##### **Mayor**

Mayor Fritz reported that Mr. Filarski and Mr. DeWater continue to finalize many aspects of the proposed pavilion, which include lighting, electrical and some other components. This ongoing work is folded in with the great input that we have received from the Parks Commission and Facilities Committee. He is excited that this project is moving forward and thanked everyone who assisted with that. He stated that he went hiking in Girdled Woods Reservation in Lake County on Friday and they have a pavilion that looks to be the same style of what Mr. Filarski has researched for us. He has pictures of it that he will share with Council.

Mayor Fritz stated that he wanted to thank members of the service Department and administrative staff, who have been doing a great job working through multiple unanticipated breakdowns with our trucks. It has been very challenging in terms of picking up rubbish and recycling. The Service Department had to come up with a Plan B, which included researching rental trucks or borrowing a truck from another community. Right now, we do not need to use either of those options. He has seen staff work together to tackle this issue, which is a great example of how things are supposed to work. This includes Mrs. Arrietta's messaging on Facebook, our website, and sending out the CodeRed messages. Our administrative staff has only had a few calls regarding this situation which they easily handled.

### **Service**

Mr. DeWater said that as the Mayor reported, the Service Department is working through a few mechanical breakdowns. The Mack Truck is at Cleveland Mack and the repair has begun on the idler gear, which is located on the back of the engine, and should take about 2.5 weeks. The old rear loader truck has been working out in the meantime, however it takes three workers instead of one to run that truck, which is putting them behind on a few other tasks. The recycling truck also had a mechanical breakdown and he is working through that with the repair shop. The repair has not yet begun because they are trying to finalize the parts list, but he is hoping that it will be back within a week. It will depend on the availability of parts. He stated that he is keeping Mayor Fritz and Mr. Shah up to date on a daily basis. Mr. DeWater stated that he hopes to get through all of this unscathed and with very little complaints. Mayor Fritz informed Council that they were looking at a repair on one of the trucks that would have required Mr. Richman, in his capacity as Council President, to sign off on, because it was going to be in excess of his spending authority (\$25,000). The good news is that right now the cost has gone below \$25,000 so we are hopeful that it will stay that way or go lower.

### **Police**

Chief Wyant did not have a report.

### **Engineer**

Mr. Filarski reported that that the Asphalt Program bid opening will be on May 3, therefore Council should have that contract award for the May Council meeting.

### **Finance**

Mr. Shah reported that RITA collections are up 27% right now. A lot of that is from withholding taxes which is surprising, because typically it is individual taxes that make the difference. It is a little more of a stable source of revenue than individual taxes. The deadline to file taxes is now

May 17, so the large amount of funds usually received in April will be delayed by a month, but we are doing okay so far.

**Law**

Mr. Hanna did not have a report.

**Appointments and Confirmations**

Mayor Fritz stated that there were some vacancies on the Green Commission and we recently received some recommendations for two new members. Carol Feltoon, who lives across the street from the Village campus, has often inquired about Village services and is an engaged member of the community. She was enthusiastically recommended to be on the Green Commission, by Green Commission Chair, Kris Tesar. He stated that he feels she will be a good addition to this Commission.

Mayor Fritz made a motion seconded by Mr. Spencer to confirm the appointment by the Mayor, of Carol Feltoon to the Green Commission for a four-year term ending on December 31, 2024.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

Mayor Fritz stated that the second resident recommended for the Green Commission was Jennette Irish Glass. Some may have met her in her capacity working with the Orange School District. He stated that she is a good fit who is an engaged member of our community.

Mayor Fritz made a motion seconded by Mr. Spencer to confirm the appointment by the Mayor, of Jennette Irish Glass to the Green Commission for a four-year term ending on December 31, 2024.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Reports of Committees -**

**Roads & Safety Committee**

The Roads and Safety Committee met on April 6, 2021. Mr. Spencer gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is May 4, 2021 at 8:00am.

Mr. Spencer made a motion seconded by Mr. Richman to allow the Service Director to develop specifications for the removal of hazardous trees and processing of materials throughout the Village of Moreland Hills, and solicit informal quotes or advertise for competitive bids.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**Facilities Committee**

The Facilities Committee met on April 6, 2021. Mr. Emerman gave a report based on the meeting minutes, which are attached. The next regularly scheduled meeting is May 4, 2021 at 8:30am.

Mr. Emerman made a motion seconded by Ms. Sturgis to authorize the Mayor to allow the Village Engineer and Service Director to proceed with the final design and advertise for bid on the construction of a pavilion and related improvements for Forest Ridge Park Improvements, located at 3800 Chagrin River Road, Moreland Hills, Ohio 44022.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: None

MOTION CARRIED

**BZA**

The Board of Zoning Appeals met on April 5, 2021. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be May 3, 2021.

**Planning Commission**

The Planning Commission met on April 5, 2021. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be May 3, 2021.

### **Parks Commission**

The Parks Commission met on March 15, 2021. Mr. Stanard gave a report based on the meeting minutes, which are attached. The next meeting will be April 19, 2021.

### **Green Commission**

The Green Commission met on April 7, 2021. Mr. Spencer gave a report based on the meeting minutes, which are attached. The next meeting will be June 2, 2021.

## **ORDINANCES AND RESOLUTIONS**

### **Ordinance 2021-11 (Second Reading) - Introduced by Mrs. Kozminski-VanderHart**

AN ORDINANCE AMENDING VARIOUS SUBSECTIONS OF SECTION 1171.03 OF THE PLANNING AND ZONING CODE, "SWIMMING POOLS," AND VARIOUS SECTIONS OF CHAPTER 1323 OF THE BUILDING CODE, "SWIMMING POOLS," TO CLARIFY APPROVAL PROCEDURES AND REGULATIONS APPLICABLE TO SWIMMING POOLS, HOT TUBS, AND SWIM SPAS.

Mrs. Kozminski-VanderHart stated that Mr. Hanna provided us with the original exhibits and the latest ones that included potential amendments that came about after the Planning Commission Meeting, which were provided to Council last week. She stated that she would first make a motion to place this ordinance on second reading, and then a motion to adopt the current draft exhibits. This will only help in moving the process forward as Council can still discuss and make further changes. It will just mean that the exhibits we are looking at for the third reading and Public Hearing are up to date; reflecting what has been discussed so far.

Mrs. Kozminski-VanderHart made a motion seconded by Mr. Stanard to place Ordinance 2021-11 on Second Reading.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mrs. Kozminski-VanderHart gave a summary on the most recent exhibits and the changes that were reflected in them. In Section 1323.01, the swimming pool definition changed to decrease the minimum size from 140 square feet to 100 square feet, as well as changing the depth from 2 feet to 3 feet. The decrease in size was made for consistency purposes. The definition for swim

spas was made more specific to include details of its construction including that it has to be manufactured to generate a current. A new definition was added for plunge pools, and it includes the stipulations that it is not actively for swimming but for recreational bathing, that it is at least 4 feet deep, and that it does not exceed a water surface area of 100 square feet. The wading pool size has not changed as of yet, it is still 60 square feet, but the depth increased to up to 3 feet deep and the heating and filtration accessories are no longer prohibited. Section 1323.05, swim spas can be above or below grade except if they exceed the 100 square feet because then they would be subject to the swimming pool requirements. Plunge pools can be above or below grade, since their requirements do not allow them to exceed the 100 square feet. Hot tubs can be above or below grade, unless they exceed 100 square feet, or 4.5 feet in depth, or height above grade, at which point they fall under the swimming pool requirements. Section 1171.03 reflects all the changes just mentioned and it specifically prohibits any other pools not specifically listed, other than wading pools.

Mrs. Kozminski-VanderHart stated that before they do anything further, she wanted to get an idea of Council's thoughts about making a motion to adopt the most recent draft of exhibits in order to keep the process moving forward, but noted again that they can still make changes in size, definitions, etc.

Mr. Richman stated that they could still move forward from a second reading to a third reading if they amend this after the Planning Commission has a meeting. His thought would be that rather than amending it once and possibly twice, they should leave it as is. Mr. Richman stated that they discussed balancing government action with individual property rights when they first started discussing this issue. He thinks they are all doing their very best to do that, but he believes that the ordinance as revised, would be drawing a line on the side of being too restrictive. It would be more restrictive because portable pools were defined in Section 1171.03, as being under 100 square feet and under 12-foot in diameter versus the 60 square foot definition. In an earlier draft, wading pools were at 144 square feet and now they are down to 60 square feet and the communities he researched had swimming pools defined as being between 100 square feet and 200 square feet. He also thinks that this is more restrictive because no other above-ground pool exceptions are less than 100 square feet except wading pools, which he thinks should be at least the same size making them consistent. A few residents that discussed a desire for pools, mentioned wanting them to be 11 to 12 foot in diameter, which would be 100 square feet. He would be in favor of 100 square feet for wading pools, at the very least, and he would also ask that they look again at permanent above-ground pools. In the current draft, it requires that 50% exposed portions are to be finished with stone, tile, natural materials, etc., which are all the things they discussed regarding above-ground versus in-ground pools. He thinks it is a small stretch from 50% to 100% exposed having

the same requirements to finish it in Section 1325.03(a).

Mr. Stanard stated that if it is not too onerous on the Law Department, he feels that the motion to accept the changes should be made. He thinks this because with an upcoming Public Hearing, it seems as though they should be clear and their discussion should reflect the current draft. This will preserve the work that Council, Committee of the Whole, and the Planning Commission has already performed.

Mayor Fritz stated that from an administrative standpoint, he agrees with Mr. Stanard. In full transparency, should the media inquire and ask for an updated copy, he feels that withholding their discussion up to this point, does not reflect their process or transparency. Moving forward with those changes provides clarity to any media or resident inquiry prior to the Public Hearing. As stated previously, this will not be the final version as no one is voting on the ordinance tonight. Mayor Fritz stated that Mr. Richman does bring up some good points as he continues to work toward what he feels is less restrictive. He stated that he would counter that with an administrative standpoint that they have worked hard to make this ordinance less restrictive, have identified many new structures that were never included in the ordinance before and permit them. We have changed the size of several things, but again, pools have changed over the years, specifically what is currently considered a wading pool. They are much more along the image of what we call an above-ground pool. He stated that we have heard from the Planning Commission quite clearly and there is near unanimity amongst Council that they just do not want above-ground pools. It is fair to ask us to reconsider, but he thinks the decision to keep that prohibition is integral in keeping this process going.

Mrs. Kozminski-VanderHart asked Mr. Hanna to comment on the transparency and keeping the process moving forward. Mr. Hanna stated that with regard to the Mayor's comment that additional changes can be made moving forward, that is accurate. Should Council want to add, delete, or change any of the provisions in the exhibits that will exist after tonight, whether Council chooses to amend them or not, they have the ability to do so in an upcoming meeting. It is certainly not a burden on the Law Department to make additional changes.

Mr. Spencer stated that he shares some concerns that Mr. Richman has raised about additional restrictions, however, he does believe that the changes as reflected in the latest draft, do move them closer to where Council is in more agreement. He stated that it has been noted multiple times that there will be further opportunities to discuss, change, and debate some of the numbers and restrictions. Therefore, he supports the motion to adopt the latest version of exhibits.

Mr. Spencer made a motion seconded by Mrs. Kozminski-VanderHart to adopt the latest changes, include those of the Planning Commission, into Ordinance 2021-11, thus making them the current Exhibit A and Exhibit B.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Spencer, Mr. Stanard

NAYS: Mr. Richman, Ms. Sturgis

MOTION CARRIED

**Ordinance 2021-12 Introduced by Mr. Emerman**

AN ORDINANCE AUTHORIZING CHANGE ORDER NO. 1 WITH WOODFORD EXCAVATING FOR THE 2020 SEWER REHABILITATION PROGRAM AND DECLARING AN EMERGENCY.

Mayor Fritz first clarified that both the agenda and the ordinance itself lists Woodford Excavating, when it should actually be United Survey. Mr. Filarski confirmed that was correct.

Mr. Emerman stated that this change order is for the backflow preventer near 15 Stonehill Drive, where the 6-inch force main connects into our sewer system. This will ensure that there is no back up onto that property. The entity doing the work is Woodford Excavating but they are subcontracting with United Survey Inc., which is where the confusion came in. This would be an increase amount of our existing contract for \$3,650.00.

Mr. Emerman made a motion seconded by Ms. Sturgis to suspend the rules of Ordinance 2021-12.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Ms. Sturgis for passage of Ordinance 2021-07, as amended to strike “Woodford Excavating” and replace it with “United Survey Inc.,” throughout the ordinance.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE  
MOTION CARRIED

**Ordinance 2021-13 - Introduced by Ms. Sturgis**

AN ORDINANCE AUTHORIZING PARTICIPATION BY THE VILLAGE OF MORELAND HILLS IN THE ODOT SALT CONTRACTS AWARDED IN 2021 AND DECLARING AN EMERGENCY.

Ms. Sturgis stated that this will submit our written agreement to participate in the Ohio Department of Transportation's annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and it agrees to all terms outlined in the legislation. She noted that the Village has until April 30 by 12:00pm to rescind the agreement.

Ms. Sturgis made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-13.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Ms. Sturgis made a motion seconded by Mr. Spencer for passage of Ordinance 2021-13.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

**Ordinance 2021-14 - Introduced by Mr. Spencer**

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2021 CHEVROLET TAHOE 4WD 1FL PPV SPORT UTILITY VEHICLE FOR THE POLICE DEPARTMENT FROM GANLEY CHEVROLET OF AURORA PURSUANT TO STATE PROCUREMENT PROGRAM CONTRACT NO. RS900321, WAIVING COMPETITIVE BIDDING AND DECLARING AN EMERGENCY.

Mr. Spencer stated that this is the first of two ordinances for the replacement of police vehicles. This ordinance is for a 2021 Chevy Tahoe, which will be replacing a 2015 Chevy Tahoe, which is a supervisor's vehicle (#4934). The Tahoe being replaced has over 90,000 miles on it. This was

discussed at committee before being approved at Council as part of the 2021 budget.

Mr. Spencer made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-14.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Richman for passage of Ordinance 2021-14.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

**Ordinance 2021-15 - Introduced by Mr. Spencer**

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2021 JEEP GRAND CHEROKEE LAREDO E 4X4 SPORT UTILITY VEHICLE FOR THE POLICE DEPARTMENT FROM JUNCTION AUTO, AND DECLARING AN EMERGENCY.

Mr. Spencer stated this is the second of the two ordinances for police vehicles as previously mentioned. This was also discussed at committee before being approved at Council as part of the 2021 budget. This ordinance is for a Jeep Grand Cherokee Laredo, which will be replacing the Chief's vehicle (#4981). The car being replaced is a 2014 Ford Taurus.

Mr. Spencer made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-15.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Spencer made a motion seconded by Mr. Richman for passage of Ordinance 2021-15.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

**Ordinance 2021-16 - Introduced by Mr. Richman**

AN ORDINANCE AUTHORIZING THE MAYOR TO PURCHASE ONE (1) 2021 RAM 2500 CREW CAB PICK-UP TRUCK WITH SNOW PLOW FOR THE SERVICE DEPARTMENT FROM JUNCTION AUTO, AND DECLARING AN EMERGENCY.

Mr. Richman stated that this ordinance authorizes the Mayor to purchase a 2021 Ram 2500 Pick-Up Truck with a snowplow, in the amount of \$38,216.28. This truck replaces the former 2008 Ford F350, which has serious rust and transmission issues and the estimated cost to repair it would be the current value of the vehicle. This truck would be able to be utilized all year round; snowplowing in winter and pulling landscape trailers and equipment for roadwork during other seasons. This truck was budgeted at \$45,000 in our 2021 budget, so it is coming in under budget. The Roads and Safety committee did recommend the purchase of this vehicle. Mr. DeWater thinks he may be able to get between \$10,000 and \$15,000 for the old vehicle on the auction site.

Mr. Richman made a motion seconded by Mr. Stanard to suspend the rules of Ordinance 2021-16.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Richman made a motion seconded by Mr. Spencer for passage of Ordinance 2021-16.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

**Ordinance 2021-17 - Introduced by Mr. Stanard**

AN ORDINANCE TO APPROVE AND ADOPT CURRENT REPLACEMENT PAGES TO THE CODIFIED ORDINANCES, AND DECLARING AN EMERGENCY.

Mr. Stanard stated that this ordinance would memorialize the actions taken by this body in the passing of ordinances in 2021 relative to the Moreland Hills Codified Ordinances and the actions of the Ohio Legislature in changes they made to the Ohio Revised Code in 2020.

Mr. Stanard made a motion seconded by Mr. Richman to suspend the rules of Ordinance 2021-17.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Stanard made a motion seconded by Mr. Richman for passage of Ordinance 2021-17.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

**Ordinance 2021-18 - Introduced by Mr. Emerman**

AN ORDINANCE PROVIDING ADDITIONAL APPROPRIATIONS, TRANSFERRING ITEMS ALREADY APPROPRIATED AND DECLARING AN EMERGENCY.

Mr. Emerman first thanked Mr. Shah for always walking him through this and explaining it to him. He stated that there were two amendments to current appropriations. The first one is for the WWTP Maintenance Fund, which covers our treatment plants and our pump station for contractual services in the amount of \$20,000. There is no specific work identified at this time, it is more of a preemptive measure. There has been some major work/repair needed in recent years, so this provides additional funding should it be needed later in the year. The second one is for the Drug Trafficking Fund for a transfer in the amount of \$9,493.66. This appropriation is needed in order to make the transfer since there is currently not an appropriation on the books for it. Mr. Emerman stated that there are also two transfers. The first one is from the General Fund to the Muni Motor

Vehicle Tax (\$5,000), which is a fund for curbs and small maintenance along the roads. This is for work that is already included in our budget. The second transfer is to the Law Enforcement Fund, from the Drug Trafficking fund for the amount mentioned above. He explained that sometimes we get grants from the Federal or State government for various law enforcement activities that have certain conditions attached to them, which dictates which funds they go into. However, there are times that it is not so clear which funds they should go into. When we first received the \$9,493.66, it appeared as though it should go into the Drug Trafficking Fund, but it was later determined that it should go in to the Law Enforcement Fund, which is for training and other equipment for our officers. These funds came from the state through the City of Cleveland to Moreland Hills.

Mr. Emerman made a motion seconded by Mrs. Kozminski-VanderHart to suspend the rules of Ordinance 2021-18.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

Mr. Emerman made a motion seconded by Mr. Stanard for passage of Ordinance 2021-18.

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

### **Miscellaneous**

Mayor Fritz stated that he is hearing through discussion at the Committee of the Whole and Council that there continues to be some disagreement on the wading pool issue. He stated that he respects that and he thinks that Mr. Richman's suggestion for allowing time for the Planning Commission to consider that specific aspect is prudent. Mayor Fritz stated Mr. Stanard could make that part of his agenda for Planning, and reference the exact aspect of the re-write in order to solicit input from members specific to the 60 square foot size. He stated that he would suggest that Mr. Stanard and Mr. Richman communicate on how to phrase that, because he does not want to dictate Council's stance on the issue. Mr. Richman and Mr. Stanard can discuss what suggestions and discussion

have been brought up in public meetings that they would want to have included in that conversation about the 60 square foot size of wading pools. Mr. Stanard stated that he would be happy to facilitate that.

Mr. Richman stated that he mentioned in the last meeting that he did not have a lot of knowledge of plunge pools and the sizes for them, so he would like to include that in the discussion at Planning Commission.

Ms. Sturgis state that she appreciates the recommendation to have the Planning Commission provide additional information and input.

Mr. Spencer asked if the Planning Commission could also look at the safety issue regarding the 36 inch depth of a wading pool. Most average sized adults cannot sit in that depth of water, and the height of an average two-year old is 33-34 inches in height, which means they would not be able to stand and be able to breath in a pool that was 36 inches deep. He would suggest that they consider reducing the 36 inch depth for wading pools to 30 inches, due to safety concerns. Mayor Fritz stated that as everyone knows, he loves the attention to safety related issues being that he is a firefighter/paramedic, but he believes that they increased that depth because they initially felt that 30 inches might be too limited to some of the commercially made products out there, as some were deeper than that. However, it is certainly something to think about and he feels that it is more pragmatic to default to the safety and health of the residents than it is to provide more options.

Mr. Stanard stated that he thinks it is a good idea to ask the Planning Commission specific questions and then have a discussion about that. Currently, he stated that he has the following as points of discussion; Mr. Spencer's request for the wading pool depth change from 36 inches to 30 inches, and Mr. Richman's request for information regarding the size of the wading pools being increased from the current 60 square feet in the draft. Mr. Richman added that he would also like their input on the size of plunge pools.

In summary, Council would like the Planning Commission to weigh in on the size and depth of wading pools and the size of plunge pools. Mr. Stanard stated that if any other member of Council thinks of another item in the next few days, they can let him know and he will bring that to the Planning Commission for discussion as well. Mr. Richman stated that at the same time, if the Planning Commission has any other items they would like Council to consider, we are welcome to that as well.

Mr. Hanna stated that he wanted to clarify that sending this back to the Planning Commission will

not restart the process. He stated that Codified Ordinances Section 1133.19, Action By Village Council states, “When the Planning Commission recommends approval of a proposed amendment to the Council, any such proposal may be amended prior to the voting thereon by Council without further notice or postponement if such amendment to the proposal is germane to the subject matter thereof and is in accordance with the recommendation of the Planning Commission.” He stated that he sees this as an informal referral of certain issues along with the general question back to the Planning Commission, but not a new referral requiring a new public hearing on Council’s part. Mayor Fritz thanked Mr. Hanna for providing that clarification.

**Adjournment**

Mr. Spencer made a motion seconded by Mr. Stanard to adjourn the Regular Council Meeting at 8:27pm

ROLL CALL:

AYES: Mr. Emerman, Mrs. Kozminski-VanderHart, Mr. Richman, Mr. Spencer, Mr. Stanard, Ms. Sturgis

NAYS: NONE

MOTION CARRIED

The meeting was adjourned at 8:27pm.

Attest:

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Sherri Arrietta, Clerk of Council

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Steve Richman, Council President